

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Samuel Der-Yeghiayan	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	12 C 8727	DATE	2/12/2013
CASE TITLE	Marcus Rush (K-57386) vs. Tom Dart		

DOCKET ENTRY TEXT

Plaintiff was warned that if he failed to pay the filing fee or file an accurately and properly completed *in forma pauperis* application form with an updated prison trust account statement by February 5, 2013, this case would be dismissed. The deadline has passed, and Plaintiff has failed to pay the filing fee or file an accurately and properly completed *in forma pauperis* application form with an updated prison trust account statement by February 5, 2013. Therefore, the instant action is dismissed. Civil case terminated.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

On November 7, 2012, the court denied Plaintiff Marcus Rush's (Rush) first motion for leave to proceed *in forma pauperis*. The court gave Rush until December 11, 2012, to either pay the filing fee or file an accurately and properly completed *in forma pauperis* application form with an updated prison trust account statement. The court warned Rush that if he failed to pay the filing fee or file an accurately and properly completed *in forma pauperis* application form with an updated prison trust account statement by December 11, 2012, this case would be dismissed.

The docket in this case indicates that a notice of change of address was entered in this case, and that on November 27, 2012, the Clerk's Office mailed Rush another copy of this court's November 7, 2012 ruling. Since Rush is proceeding *pro se* and is incarcerated, on December 11, 2012, the court extended the deadlines in this case. The court gave Rush until January 3, 2013, to either pay the filing fee or file an accurately and properly completed *in forma pauperis* application form with an updated prison trust account statement. The court also warned Rush that if he failed to pay the filing fee or file an accurately and properly completed *in forma pauperis* application form with an updated prison trust account statement by January 3, 2013, this case would be dismissed.

STATEMENT

On December 17, 2012, Rush filed a second motion for leave to proceed *in forma pauperis* and a motion for extension of time. Rush indicated in his motions that due to his transfer from one prison facility to another, his mail has been delayed and he requested an extension of time in order to acquire the necessary paperwork to complete his *in forma pauperis* application form and get his updated prison trust account statement. Since Rush is proceeding *pro se*, the court granted Rush one final extension. The *in forma pauperis* application form filed on December 17, 2012, was stricken without prejudice. Rush was given until February 5, 2013, to either pay the filing fee or file an accurately and properly completed *in forma pauperis* application form with an updated prison trust account statement. Rush was warned that if he failed to pay the filing fee or file an accurately and properly completed *in forma pauperis* application form with an updated prison trust account statement by February 5, 2013, this case would be dismissed. The deadline has passed, and Rush has failed to pay the filing fee or file an accurately and properly completed *in forma pauperis* application form with an updated prison trust account statement by February 5, 2013. Therefore, the instant action is dismissed. The court also notes that Rush also has filed another case in 12 C 6709.